

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THE MUSLIMS OF AMERICA, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 3:16-cv-00326-GTS-DEP
	:	
ROBERT R. DOGGART, WILLIAM TINT, AND	:	
JOHN DOES AND JANE DOES 1-7	:	
	:	
Defendants.	:	
	:	
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**PLAINTIFF’S MOTION TO WITHDRAW AMENDED COMPLAINT**  
**PURSUANT TO F.R.C.P 41 (a)(2)**

Plaintiff, The Muslims of America, Inc. (Plaintiff), by and through undersigned counsel respectfully requests permission to withdraw its Amended Complaint (Doc. 26) pursuant to F.R.C.P. 41(a)(2) of the Federal Rules of Civil Procedure. In support of this Motion Plaintiff asserts the following:

1. On March 21, 2016, Plaintiff filed a Complaint against defendants Robert R. Doggart and William Tint alleging a claim pursuant to 18 U.S.C. § 248 (a)(2) Freedom of Access to Clinic Entrances following the apprehension of defendants by federal law enforcement in connection to a plot to burn the mosque known as Baitullah owned by Plaintiff and located on Plaintiff’s property in Hancock, New York.
2. On February 3, 2017, Plaintiff filed an Amended Complaint (Doc. No. 26) adding as defendants Barbara Rogers and Shane Schielein. Plaintiff subsequently withdrew its Complaint against Rogers by stipulation (Doc. 46) and against Schielein by voluntary dismissal (Doc. 58).

3. The Clerk's entry of default as to defendant Tint (Doc. 40) was entered on July 20, 2017. Plaintiff filed its Motion for a Default Judgment against William Tint (Doc. 61) on December 5, 2017. This Motion is currently pending before the Court.
4. Defendant Doggart's Answer (Doc. 71) to Plaintiff's Amended Complaint was filed on March 9, 2018, and his Motion to Dismiss the Complaint (Doc. 73) was filed on March 19, 2018.
5. Plaintiff requested the following relief in its Amended Complaint:
  - a. Permanently enjoin Defendants, their representatives, agents, employees, coconspirators and others acting in concert and participation with them from committing any of the following acts or aiding, abetting, directing or inciting others to:
    - 1.) Violate any provision of FACE, 18 U.S.C. § 248
    - 2.) Come within 300 yards of Islamberg/ Hancock, NY, Islamville, York/South Carolina, Dover, TN and any known community of TMOA.
  - b. Order Defendants to each and individually pay compensatory damages as authorized by 18 U.S.C. § 248 (1) (B).
  - c. Assess a civil penalty in the highest amount authorized by the law as authorized by 18 U.S.C. § 248 (1) (B).
  - d. Assess attorneys' fees and costs in the amount of \$50,000.00 as a minimum as authorized by 18 U.S.C. § 248.
  - e. Grant any further relief that the Court deems just and proper.
6. Defendant Tint was charged with and pled guilty on September 14, 2015, to "making a false statement to the FBI regarding a plan to commit a violent act against a person or property involving him and/or RD when in fact he there and then knew he was aware of such a plan involving a location in New York State", in violation of 18 U.S.C. § 1001 (a) (2). He was sentenced to three years probation in June of 2016.
7. Doggart was found guilty in the Eastern District of Tennessee (USA v. Doggart, 1:15-cr-39-CLC-SKL) of:

- 18 U.S.C. § 373, 18 U.S.C. § 247(a)(1) Solicitation to Commit a Civil Rights Violation (Arson) by burning down Plaintiff's mosque located in Hancock, NY.
- 18 U.S.C. § 373, 18 U.S.C. § 844(i) Solicitation to Commit Arson of a building by threatening to destroy a building by fire or an explosion.

8. On June 14, 2017, Doggart was sentenced to a term of 235 months in federal custody.

He has an open appeal of his conviction and sentence pending in the Sixth Circuit.

(USA v. Robert R. Doggart, Case No. 17-5813)

Plaintiff's purpose in filing this action was to protect against interference with the free exercise of religion at its mosque (Baitullah), which was targeted by the defendants. William Tint's sentence of three years of probation and Robert R. Doggart's sentence of nearly 20 years of imprisonment for his role as the chief organizer of the foiled attack against Baitullah far and away addresses the need for injunctive relief sought in this instant case. The request is moot and the Plaintiff is satisfied.

WHEREFORE, for the reasons stated above, Plaintiff respectfully requests that this Honorable Court grant permission to withdraw as moot its Amended Complaint against Robert R. Doggart and William Tint.

Dated: May 10, 2018

Deposit, New York

Respectfully Submitted,

By:   
Tahirah H. Clark, Esq.  
Bar No. 508759  
Deposit, New York 13754  
Telephone: 607.205.8825  
Facsimile: 607.697.2055  
[Tahirah.ClarkEsq@gmail.com](mailto:Tahirah.ClarkEsq@gmail.com)

/s/Tahirah Amatul-Wadud

Tahirah Amatul-Wadud

Bar No. 518124

10 Centre Street

Chicopee, Massachusetts

01013

Telephone: 413.206.9839

Facsimile: 413.594.8588

[Tahirahaw@gmail.com](mailto:Tahirahaw@gmail.com)

*Attorneys for Plaintiff*

Certificate of Service

I hereby certify that a true and correct copy of the forgoing **PLAINTIFF'S**  
**MOTION TO WITHDRAW AMENDED COMPLAINT PURSUANT TO F.R.C.P 41**  
**(a)(2)** was sent by **USPS First Class Mail** and properly addressed to Robert R. Doggart and  
William Tint as follows:

Robert R. Doggart #48314-074  
FMC LEXINGTON  
Federal Medical Center  
P.O. BOX 14500  
Lexington, KY 40512

William Tint  
611 Bridwell Road  
Travelers Rest, SC 29690

Dated: May 10, 2018

/s/Tahirah H. Clark

Tahirah H. Clark, Esq.